IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.2295/2007

Rakeshkumar Dube ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr P. R. Dave with Sachin Dalvi, Advocate
for the Applicant.

Mr S. S. Pednekar, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 16 8. 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in connection with CR No. T-41 of 2007 registered with Crime Branch Rural Area Thane on 29th May, 2007 for the offence punishable under Sections 395, 397, 364 and 342 of the I.P.C. read with Sections 3 and 25 of the Arms Act.

4. According to the learned counsel for the

applicant, statement of the complainant was recorded belatedly on 4th June, 2007.

5. Learned counsel for the applicant urged that the applicant did go to inspect the container to find out as to what type of material is available for sale, since one Mr. Yadav, residentof Nerul had approached him saying that he wanted to sell the said material as scrap.

6. Learned counsel for the applicant further submits that when the goods were being inspected by the applicant, police arrived on the spot and seized the container. The present applicant came to be arrested since he was inspecting the container. Considering the role of the present applicant, learned counsel for the applicant submits that the applicant is entitled for bail.

7. Having heard the rival parties, I find prima facie there is no nexus of the present applicant with the offence alleged, I am inclined to grant bail to the applicant, on following terms and conditions:

a] The applicant, arrested in connection with C.R. No.T-41/2007 registered with the Crime Branch Rural Area, Thane shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

b] The applicant shall report to the Crime Branch Rural Area, Thane once in a week i.e. on every Saturday between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d]The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution

witnesses and shall not in any manner tamper with the prosecution evidence.

e]The applicant shall co-operate with the Trial Court for disposal of the case. It is needless to mention that breach of anyof the conditions by the applicant shall result in cancellation of bail.

f] Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

8. Application stands disposed of accordingly.

(V.C. DAGA,J.)